



THE CITY OF SAN DIEGO
REPORT TO THE CITY COUNCIL

DATE ISSUED: July 5, 2006 REPORT NO: 06-088

ATTENTION: Council President and City Council
Docket of July 11, 2006

SUBJECT: Clean Syringe Exchange Program

REFERENCE: Resolution No. R-295797, adopted November 27, 2001

REQUESTED ACTIONS:

1. Authorize the Clean Syringe Exchange Program in the City of San Diego, at no cost to the City, in consultation with the California Department of Health Services, involving the exchange of clean hypodermic needles and syringes, as recommended by the United States Secretary of Health and Human Services, as part of a network of comprehensive services to combat the spread of HIV and blood-borne hepatitis infection among injection drug users, pursuant to California Health and Safety Code sections 121349 through 121349.3.
2. Approve and adopt the Basic Recommendations and Supplemental Recommendations set forth in the Facilitation Committee's Final Report, Report No. _____, a copy of which is on file with the Office of the City Clerk as Document No. RR-_____.
3. Authorize the Mayor or his designee to enter into agreements, and any amendments thereto, for the continued operation of the Clean Syringe Exchange Program in the City of San Diego, at no cost to the City.
4. That within one year of the final passage date of this Resolution, and annually thereafter, an open meeting of the City Council shall be held, at which the Health Officer for the City of San Diego (or other qualified person appointed by the Mayor), at no cost to the City, shall present a report detailing the status of syringe exchange programs, including, but not limited to, relevant statistics on blood-borne infections associated with needle sharing activity. Local government, local public health officials, law enforcement, administrators of alcohol and drug treatment programs, other stakeholders, and the public shall be afforded ample opportunity to comment on syringe exchange programs at this annual meeting.

STAFF RECOMMENDATION:

Adopt the requested actions.

SUMMARY:

On November 27, 2001, the City Council adopted Resolution No. R-295797 (Attachment 1), declaring the existence of a state of local emergency in the City of San Diego, due to the spread of the Hepatitis C Virus and HIV, which is exacerbated by the shared use of needles and syringes by injection drug users. In addition, the City Council authorized the implementation of a one-year Clean Needle and Syringe Exchange Pilot Program [Pilot Program] linked to drug abuse treatment programs, at no cost to the City.

From December 10, 2001 to June 27, 2005, the City Council repeatedly declared the above-mentioned state of local emergency, and authorized the continued operation of the Pilot Program. However, from July 18 through December 31, 2005, the City Council was unable to garner five votes to authorize the Pilot Program.

In October 2005, the California Legislature amended Health and Safety Code section 11364.7 and enacted Health and Safety Code section 121349 through 121349.3 (effective January 1, 2006). In doing so, the Legislature found and declared that scientific data from syringe exchange programs in the United States and in Europe have shown that the exchange of used hypodermic needles and syringes for clean needles and syringes does not increase drug use in the population, can serve as an important bridge to treatment and recovery from drug abuse, and can curtail the spread of HIV infection among the intravenous drug user population.

Under the new law, A Clean Syringe Exchange Program [CSEP] may be authorized by any city, upon the action of the city council and the mayor (of a city without a health department). In addition, the new legislation eliminates the requirement that a city declare a state of local emergency as a prerequisite to that city's authorization of a CSEP. Instead, a city can authorize a CSEP with a single legislative act, allowing the CSEP to continue unless and until that city decides to terminate the CSEP.

On January 18, 2006, the City's Community Services Division received a letter from the California Department of Health Services [CDHS] dated January 12, 2006, acknowledging the City's fulfillment of the requirement to consult with the CDHS.

The present action authorizes a CSEP in the City of San Diego, to be operated in accordance with the Basic Recommendations and Supplement Recommendations set forth in the Facilitation Committee's Final Report, dated May 23, 2006 Attachment 2.

In its report, the Facilitation Committee makes the following Basic Recommendations 1) that the City Council and Mayor authorize a permanent CSEP in the City of San Diego, at no cost to the City; 2) that the CSEP be operated at the previously selected sites and times; 3) that the CSEP be operated in conformance with the specified guidelines; and 4) that the Mayor appoint a CSEP Facilitation Committee.

In its report, the Facilitation Committee also makes the following Supplemental Recommendations: 1) that the City Council and Mayor invite participation by the County of San Diego Health and Human Services Agency in the CSEP; 2) that the CSEP Operator continue to

strengthen referral relationships with treatment providers and investigate new opportunities to place clients in treatment on a timely basis; 3) that the San Diego Police Department continue to collect and analyze crime data in areas surrounding CSEP sites; and) that the CSEP Operator, with prior approval of the CSEP Facilitation Committee, have the flexibility to adjust or add days and hours of service and to propose new CSEP sites to adjust for client capacity.

It should be noted that the Facilitation Committee meetings were publicly noticed in conformance with the Brown Act, and all interested residents, including those that were critical of syringe exchange activity, were invited to participate in the committee.

The City's Community Services Division will bring forth an ordinance regarding the CSEP for City Council adoption later this calendar year. The ordinance will contain operational guidelines and site selection procedures. The Facilitation Committee will be convened to finalize recommendations for the ordinance.

FISCAL CONSIDERATIONS:

There will be no fiscal impact to the City. Alliance Healthcare Foundation will bear the cost of implementing the Clean Syringe Exchange Program.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Clean Needle and Syringe Exchange Pilot Program, adopted November 27, 2001 (R-295797).

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Local government, local public health officials, law enforcement, administrators of alcohol and drug treatment programs, other stakeholders, and the public shall be afforded ample opportunity to comment on syringe exchange programs at an open meeting of the City Council to be held within one year of the final passage date of the Resolution, and annually thereafter.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Alliance Healthcare Foundation; Family Health Centers of San Diego; Clean Syringe Exchange Program Facilitation Committee.

Ernie Linares
Deputy Director
Community Services Division

Ted Martinez, Jr.
Deputy Chief
Neighborhood and Customer Services

ATTACHMENTS: [1. Resolution No. R-295797, adopted November 27, 2001;](#)
[2. Clean Syringe Exchange Program Facilitation Committee Final Report on the Clean Syringe Exchange Pilot Program and Recommendations to Establish a Permanent Clean Syringe Exchange Program in the City of San Diego, dated May 23, 2006.](#)